

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

FARAH AWAD, ATA BOULES, NAGY)	
EILIA, and GAWHARA EILIA, on Behalf)	
of THEMSELVES and All Others)	
Similarly Situated,)	
Plaintiffs,)	COLLECTIVE ACTION
)	
v.)	
)	CIVIL ACTION
TYSON FOODS, INC. and TYSON)	
FRESH MEATS, INC.,)	
Defendants.)	CASE NO. 3:15-cv-00130
)	JUDGE SHARP
)	MAGISTRATE JUDGE NEWBERN

DECLARATION OF MICHAEL L. RUSSELL

I, Michael L. Russell, hereby declare as follows pursuant to 28 U.S.C. § 1746:

1. My name is Michael L. Russell and the statements contained herein are based on my personal knowledge.

2. I am an attorney licensed to practice law in the State of Tennessee. I am a partner at Gilbert Russell McWherter Scott Bobbitt, PLC. I am admitted to practice before the United States Supreme Court, the Tennessee Supreme Court, the United States District Court for the Western District of Tennessee, the United States District Court for the Middle District of Tennessee, the United States District Court for the Eastern District of Tennessee, the United States District Court for the Eastern District of Arkansas, the United States District Court for the Western District of Arkansas, and the United States Court of Appeals for the Sixth Circuit.

3. I graduated Phi Beta Kappa and Summa Cum Laude from the University of Tennessee, Knoxville (B.A., 1996). I received my law degree (J.D., 1999) from the University of Memphis, where I graduated Magna Cum Laude and attended on a Humphreys Law

Fellowship. As a law student, I served as National Chairman of the 45th National Conference of Law Reviews in Cincinnati, Ohio.

4. I currently serve on the adjunct faculty at the Belmont University College of Law, where I teach a class each spring semester, primarily for third year law students. I have taught at Belmont for the last three years. I have previously served on the adjunct faculty at Lambuth University and the University of Tennessee at Martin. I have published articles in the *American Journal of Trial Advocacy*, the *University of Memphis Law Review*, the *Ohio Northern University Law Review*, the *Seton Hall Constitutional Law Journal*, and *Employee Rights Quarterly*. My articles have been cited, including in testimony before the United States Congress.

5. My practice is devoted almost exclusively to labor and employment law, and I focus my practice on representing victims of employment discrimination, workplace harassment, and wage and hour violations.

6. A significant and growing part of my practice is also devoted to serving as a neutral in mediation. I estimate that I will serve as a mediator in about seventy-five cases this year.

7. In addition to my practice, I am the immediate past chair of the Tennessee Bar Association Labor and Employment Law Section.

8. I am experienced in representing plaintiffs in federal court litigation who have asserted claims against defendants for violations of federal statutes that contain a provision entitling prevailing plaintiffs to recovery of their reasonable fees and expenses. I have handled numerous Fair Labor Standards Act (FLSA) collective actions on behalf of plaintiffs who seek recovery of their attorneys' fees at the attorneys' hourly rates, if they prevail on their claim for

wages. Such FLSA collective actions that I have handled include, but are not limited to, *Camp v. Rack Room Shoes*, Docket No. 06-01117 (W.D. Tenn.) (\$800,000 settlement of misclassified assistant managers); *Kimbell v. Budget Brakes*, Docket No. 08-01175 (M.D. Tenn.) (settlement of claims for violation of the FLSA under § 216(b)); *Johnson v. ECT Controls*, Docket 09-00130 (M.D. Tenn.) (claims for violation of the FLSA, conditional certification granted pursuant to § 216(b)); *Bellman v. Addeco*, Docket No. 09-05165 (E.D. N.Y.) (\$780,000 settlement of class action claims for breach of contract and the FLSA); *Boyd v. Echosphere* (Arbitration) (\$500,000 settlement of an FLSA collective action); *Carter v. West Tennessee Healthcare*, Docket No. 1:10-cv-01155 (W.D. Tenn.) (asserting collective action claims for violation of the FLSA); *McBride v. HCA, Inc.*, Docket No. 3:10-cv-00620 (M.D. Tenn.) (asserting collective action claims for violation of the FLSA); *Rogers v. HCA, Inc.*, Docket No. 3:09-cv-01173 (M.D. Tenn.) (asserting collective action claims for violation of the FLSA); *Waterman v. Multi-Band*, Docket No. 2:09-cv-02541 (W.D. Tenn.) (\$100,000 settlement of collective action claims for violation of FLSA); *Miller v. Jackson, Tennessee Hospital Company, LLC, d/b/a Regional Hospital of Jackson*, Docket No. 3:10-cv-1078 (M.D. Tenn) (asserting collective action claims for violation of the FLSA). I have also worked on a variety of individual actions seeking recovery under the FLSA. See *Boggs v. Mingua Bros.*, Docket No. 5:10-cv-156 (E.D. Kentucky); *Council v. Circle of Care*, Docket No. 3:09-cv-00073 (M.D. Tenn.); *Holt v. Dollar General*, Docket No. 1:08-cv-01298 (W.D. Tenn.); *Meshell v. Countryside Hospitality*, Docket No. 3:09-cv-00941 (M.D. Tenn.); *Sanders v. Elam Mattress Co.*, Docket No. 1:08-cv-01105 (W.D. Tenn.); *Chew v. Fed Ex*, Docket No. 2:10-cv-02529 (W.D. Tenn.); *Gallimore v. Knotts Wholesale Foods*, Docket No. 10-1227 (W.D. Tenn.); *Hinson v. Radio Shack*, Docket No. 2:10-cv-2671 (W.D. Tenn.); *Jones v. LHC Group Detect*, Docket No. 1:10-cv-1280 (W.D. Tenn.); *Locke v. Dollar General*, Docket

No. 10-cv-1204 (W.D. Tenn.); *Michael v. SuperShuttle*, Docket No. 3:10-cv-00805 (M.D. Tenn.); *Moore v. Perryville Marina, LLC*, Docket No. 10-1273 (W.D. Tenn.); *Nemmers v. Jonathan's Grill*, Docket No. 3:10-0785 (M.D. Tenn.); *Norton v. Hooah*, Docket No. 10-2566 (W.D. Tenn.); *Reynolds v. Athens Family Rest.*, Docket No. 3:09-cv-0799 (M.D. Tenn.); *Stewart v. Foxbridge*, Docket No. 2:10-cv-02246 (W.D. Tenn.); *Woodard v. Dean Mgmt.*, Docket No. 3:10-cv-00586 (M.D. Tenn.).

9. In the last five years, I have been lead trial attorney in two FLSA jury trials and one FLSA bench trial. Each of these trials resulted in verdicts for the plaintiffs.

10. I am familiar with the firm of Barrett Johnston Martin & Garrison, LLC. I have worked with David Garrison, who I understand serves as lead counsel in the above-referenced litigation on behalf of the Plaintiffs.

11. I understand that Barrett Johnston Martin & Garrison, LLC is charging the following hourly rates for attorneys who have done work for which Plaintiffs are seeking recovery in this case at this time: David Garrison, a Partner at \$425, Scott Tift, a Partner at \$325, Seth Hyatt, a Senior Associate at \$280, and Josh Frank, an Associate at \$225. Based on my experience, my knowledge of this firm, and my knowledge of the fees generally charged by lawyers in Nashville, Tennessee, it is my opinion that these hourly rates charged by the firm for this matter are reasonable hourly rates and are within the range of hourly rates that have been approved by courts for other lawyers with comparable experience. These rates are similar to hourly rates charged by other members of the Nashville legal community. Moreover, these rates are reasonable considering the complicated nature of class action litigation, which requires a higher level of expertise than more routine civil litigation.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on this 4th day of October, 2016.


MICHAEL L. RUSSELL

CERTIFICATE OF SERVICE

I hereby certify that a copy of this *Declaration of Michael L. Russell* was filed electronically with the Clerk's office by using the CM/ECF system and served electronically upon the parties as indicated below through the Court's ECF system on October 13, 2016:

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